

Belmont Co
WPSC-MF



PATRICK J. SMITH
Environmental Engineer

(740) 283-5542

April 19, 2002

Mr. Richard Stewart
Ohio EPA – SEDO
Division of Hazardous Waste Management
2195 Front Street
Logan, Ohio 43138-9031

RE: **Response to December 12, 2001 RCRA Inspection Letter**
 Wheeling-Pittsburgh Steel Corporation
 Martins Ferry Plant

2002 APR 24 PM 10:46
O.E.P.A.
S.E.D.O.

Dear Mr. Stewart:

This correspondence is intended to address issues raised in your December 12, 2002 inspection report that are not being discussed in current negotiations with the USEPA Multi-Media team.

1. Prohibitions

ORC Rule 3734.01 (E) states, “ ‘Solid Waste’ means such *unwanted* residual solid or semi-solid material as results from industrial...” ORC Rule 3734.01 (J) states, “ ‘Hazardous waste’ means a *waste*...”. It has been our understanding of these regulations that a material, e.g., a piece of equipment, is not a “waste” if it is not “unwanted”. Subsequently, a piece of wanted equipment cannot be a “hazardous” waste if it is not first a “waste”. It is not uncommon that WPSC uses equipment from one operation in other operations as a cost savings measure. It is also not uncommon that equipment removed from one operation is stored in anticipation of a future need, even if such need is not identified for months or even years. The area at the Martins Ferry plant where the ARCO system duct work was stored contained such equipment. During the USEPA Multi-Media inspection of WPSC facilities, the inspection team visited the Martin Ferry equipment storage area in question. We discussed our use of the area to store pieces of equipment that WPSC felt might be usable in the future for various plant operations. The USEPA Multi-Media team seemed satisfied with our management of this area and our past efforts to address the residuals coating from the ARCO system duct work that rainfall had apparently transferred to a nearby stormwater drain. As you know, this item was originally included in the USEPA Multi-Media RCRA committee meetings, but was subsequently removed after the site



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visit. Therefore, we believe this item is not an issue. We disagree with your interpretation of the regulations and your statement that "WPSC has stored this hazardous waste illegally from at least June 1990 until July 2, 2001". We contend that this piece of equipment did not comprise a "waste" according to the RCRA definition because it was not our intent to discard the equipment. This piece of equipment is not unlike some of the existing buildings we have on site that are presently not used. It is feasible that these buildings may have lead paint on them. It is also feasible that rainfall may dissolve some of the lead or perhaps cause a paint chip to move to a stormwater sewer. We do not believe the regulations would require us to consider the building a hazardous waste, nor the rainfall event to trigger the hazardous waste contingency plan. We believe the ARCO scrubber duct work with the coating of residual material to be similar to the buildings with lead paint. However, based solely upon your insistence, we had the ARCO scrubber equipment removed from the equipment storage area along with other pieces of stored equipment so as to eliminate any future contentious issues regarding this difference of regulatory interpretation.

We believe "generator" closure is sufficient to protect the environment and to satisfy the OAC rules. We have implemented such generator closure in the area in question. WPSC has also taken measures to continue to ensure that storage of hazardous waste will not occur at this site.

2. Hazardous Waste Determination

- A. **Plant #1 paint booth:** The paint booth observed during the November 2001 inspection is out-of-service and inside an area of the former plant #1 complex. In the event this material becomes a waste, WPSC will characterize it as required.
- B. **Monitoring well free product drum:** The free product drum contains a mixture of gasoline and water, recovered as a separate phase on the groundwater from monitoring in the area of a former UST. This waste has been characterized as a D001 and D018 hazardous waste, based on generator knowledge.
- C. **Waste Paint/Ink:** A laboratory analysis for waste characterization of waste paint/ink is attached.
- D. **Industrial wipes from electric repair shop:** A laboratory analysis for waste characterization of rags/gloves used in conjunction with the electric shop parts washer is attached.
- E. **Chemtreat waste:** A laboratory analysis for waste characterization of Chemtreat waste is attached.

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2. Hazardous Waste Determination (continued)

- F. **Baghouse dust:** A laboratory analysis for waste characterization of galvanizing baghouse dust is attached.
- G. **WWTP sludge:** All laboratory analyses since October 29, 1999 for waste characterization of wastewater treatment plant sludge are attached.

3. Purpose and Implementation of Contingency Plan

OAC Rule 3745-65-51(B) applies to "hazardous waste". As discussed in Item #1 above, the ARCO scrubber equipment was not a hazardous waste. Furthermore, the condition presented no threat to human health or the environment. Therefore, implementation of the contingency plan regarding this issue was not applicable. We respectfully disagree with your interpretation of the regulations and their intent.

4. Amendment of Contingency Plan

Please find attached a copy of the revised Hazardous Waste Contingency Plan for the Martins Ferry plant.

5. Emergency procedures

Please refer to our responses to your items #1 and #3. We believe your application of this referenced regulation is not appropriate.

6. Accumulation time of hazardous waste

The 55-gallon drum to which you refer is a satellite storage drum for any free product (gasoline) we remove from the nearby ground water monitoring wells. These wells are currently in use for the remediation of contaminated ground water as a result of a leaking (and since removed) underground gasoline tank under the Ohio Bureau of Underground Storage Regulations. We typically monitor these wells quarterly. We have not noticed any free product from the wells in the past few years and the collection drum was about half full. Nevertheless, at your suggestion, we moved this satellite drum to our <90-day drum storage area ("oil house") at which time we labeled it as a hazardous waste. As required by regulation, this drum will be removed from our site within a 90-day period and will be sent to an authorized hazardous waste disposal facility. The manifest that will eventually be generated for this hazardous waste will ultimately be available in our files for agency review.

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7. Management of containers

We have replaced the ring type lids on the paint waste drums with "lock-top" lids. Please find the enclosed photograph of these new lids on the hazardous waste drums.

8. Used oil storage requirements for generators

Please find the enclosed photograph of the used oil container storage area that demonstrates we have cleaned the area of the *de minimus* oil on the pavement.

9. Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities

A. Wastes that are treated in our on-site wastewater treatment plant are exempt from RCRA regulations; therefore, OAC Rule 3745-270 is not applicable.

B. As you know, WPSC's Environmental Control (EC) Department is under a centralized management system whereby the EC staff, whose offices are in different plants, report directly to the WPSC corporate office in Wheeling, WV. Our EC staff consists of six full time personnel. Three of our staff are located at the Mingo Junction plant (largest plant), one splits his time between an office at both the Yorkville, Ohio plant and the Allentown, PA plant, and two have their offices in Wheeling, including the corporate EC Director. We do not have an EC staff personnel office at the Martins Ferry plant. For these reasons, we maintain the environmental files in our Environmental Control Master File (ECMF) in the corporate office where we can better ensure its proper maintenance and accessibility to the two USEPA region personnel and the three state (OH, WV, PA) regulatory agency personnel for inspections.

We are aware that certain environmental files and documents (e.g., hazardous waste manifests, Hazardous Waste Contingency Plan, SPCC Plan, SWPP Plan) are required by law to be located at the specific plant site and we endeavor to comply. For such documents, we still maintain the "master" copy in the ECMF in the Wheeling office. This requires that we maintain duplicate files for different environmental requirements at different plants. It has been our experience that such means of file management for these legal files can lead to mismanagement opportunities, especially at plants such as Martins Ferry where we have no office or staff. Because of the relatively close proximity of our plants to the Wheeling office (i.e., Martins Ferry is about 5 miles from Wheeling), we did not believe it to be an undue burden for regulatory inspectors to review environmental files in the Wheeling office. We felt this arrangement easily met the "spirit and intent" of the regulatory requirement to have such documents present "on-site".

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Therefore, we request a variance or some other form of approval from the OEPA to permit WPSC to continue to maintain the files referenced in this issue in our office in Wheeling, WV. We would be willing to deliver these files to the Martins Ferry plant during an OEPA inspection within a reasonable time frame, say two hours, so as not to impose unreasonable time constraints on the inspector. If the OEPA inspector would provide us with an advanced notice of an inspection, e.g., a calendar week or two in which the inspection would be performed or even the exact day if you prefer, we could have the files delivered to the plant in advance. Please let us know if a variance or an advance notice would suffice for your needs.

10. Closure Plan

Please refer to our responses to your items #1 and #3. We believe your application of this referenced regulation is not appropriate.

11. Security

Since OAC 3745-65 applies to "acceptable management of hazardous waste" (3745-65-01 (A)), we do not believe the requirements for security in 3745-65-14 (C) are applicable to the referenced area. As stated above we have already removed all equipment from this area at your insistence so as not to prolong this issue over which we have a professional disagreement on regulatory interpretation. As you know, our plant site has a fenced boundary and we employ security guards on an around-the-clock basis. Even with such security, we can not ensure against trespassers. Nevertheless, to accommodate your suggestion, we will post no trespassing signs in this area. We will endeavor to have the sign or signs installed before your next site inspection, assuming it is not conducted in the next month.

12. General inspection requirements

OAC 3745-65-01(C) states, "The requirements of Chapters 3745-65 to 3745-69 and 3745-248 of the Administrative Code *do not apply to*: (7) "A generator accumulating...hazardous waste that is generated on-site in compliance with rule 3745-52-34 of the Administrative Code...". OAC 3745-52-34(A)(1)(a) states, "In containers and the generator complies with rules 3745-66-70 to 3745-66-77 of the Administrative Code; and/or..." WPSC complies with the rules in 3745-66-70 to 3745-66-77, therefore the requirements you reference, OAC Rule 3745-65-15(A), do not apply.

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13. General waste analysis

In accordance with your comment in your letter "no actions are required".

14. Operating record

In accordance with your comment in your letter "no actions are required".

15. Personnel training

WPSC believes we are in compliance with the OAC regulations that require personnel training. Nevertheless, as part of our effort to gain ISO 14001 certification, our procedures regarding this training will be enhanced.

16. Maintenance and operation of the facility

A. OAC Rule 3745-65 is not applicable to the Martins Ferry plant as explained in our response to item #12 above. Nevertheless, WPSC intends to implement ISO 14001/EMS procedures for all of our plants. Because of our present bankruptcy status and extreme financial condition, we had to terminate our contract with the consultant helping us with ISO 14001 implementation and postpone previously established completion dates. However, we have focused our efforts on preparing those ISO 14001 procedures for the most pressing environmental issues, such as the Ferrous Chloride Consent Order with OEPA for the Yorkville and Steubenville North plants. We also have completed the ISO 14001 procedures for release reporting. We now intend to focus our limited resources on preparing ISO 14001 procedures for overall waste management for all of our plants, but will start with the ones located in the state of Ohio.

B. OAC Rule 3745-65 is not applicable to the Martins Ferry plant as explained in our response to item #12 above. Nevertheless, with regard to the stained area under the process line where Chemtreat is applied to the steel, WPSC endeavors to capture the *de minimus* quantities of the Chemtreat material that are not captured in the process system by using "floor dry" absorbent. As a waste minimization effort, the floor dry is allowed to become saturated before it is removed and managed as a hazardous waste. In the event of a spill of the Chemtreat material, we attempt to recover as much of this material as possible, then promptly clean up the remaining portion and manage it as a hazardous waste. A Photograph of the area is enclosed.

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GENERAL COMMENTS

1. Drums in Oil House

A. Three rusty drums

These drums have been determined to be usable products. Two of these drums contain motor oil, and the third has been identified as fresh acetone. Each of these containers has been more clearly marked for proper identification.

B. Two unidentified drums

Among several of the several drums noted in this area following the inspection, most were empty, and some contained residues of used oil for pickup. The used oil has subsequently been removed, and the drums crushed and properly disposed.

C. Pallets of rusty paint buckets

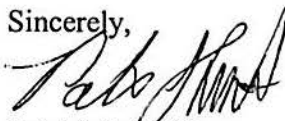
These paint buckets have not been opened, and their contents are considered product. In the event a decision is made not to use this material, the paint will be properly characterized and disposed.

2. Monitoring Well Riser

The damaged monitoring well riser for BUSTR requirements will be repaired by our consultant during the next scheduled quarterly monitoring period.

If you have any questions regarding this submittal, please contact me at (740) 283-5542.

Sincerely,



Patrick J. Smith
Environmental Engineer

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Attachments: OEPA Letter, December 12, 2001
Paint/Ink Waste Characterization Analysis
Rags/Gloves Waste Characterization Analysis
Chemtreat Waste Characterization Analysis
Baghouse Dust Waste Characterization Analysis
WWTP Sludge Waste Characterization Analysis
Martins Ferry Contingency Plan, December 2001
Satellite Drum Photograph
Used Oil Area Photograph
Chemtreat Area Photograph

cc: Ken Komoroski (Kirkpatrick & Lockhart)
M. O'Leary
L. Boroski
PJS/ECSF
BES/ECMF 1.4.5.2

ECMF/MF/OEPA/HAZWASTE/0419-RS.DOC